



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**VIA ELECTRONIC MAIL**  
**RECEIPT CONFIRMATION REQUESTED**

Mr. Chris Marks  
Environmental Manager  
Denali Water Solutions, LLC  
3031 Franklin Avenue, Suite A  
Riverside, California 92507  
[chrisamarks@comcast.net](mailto:chrisamarks@comcast.net)

Re: Request for Information Pursuant to Section 308 of the Clean Water Act  
(33 U.S.C. § 1318)  
Land Application of Biosolids in Arizona and California

**RESPONSE REQUIRED AND DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST**

Dear Mr. Marks:

Pursuant to Section 405(d)(1) of the Clean Water Act (CWA), the U.S. Environmental Protection Agency promulgated regulations governing the Standards for the Use or Disposal of Sewage Sludge which are set forth at 40 C.F.R. Part 503 (the "Sludge Management Program"). These regulations establish recordkeeping and reporting requirements, pollutant limits and site management practices applicable to owners or operators of treatment works treating domestic sewage, and standards for the final use or disposal (land application) of sewage sludge generated during the treatment of domestic sewage in treatment works.

Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 et seq., including information to determine whether a person is in compliance with the CWA. On August 15, 2019, EPA issued Denali a "Request for Information" pursuant to Section 308 of the CWA (August 2019 Request). Denali has provided responses to the August 2019 Request, with the last response received by EPA in February 2020.

The EPA is issuing this Request for Information to Denali, pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a). The request requires information regarding the Company's compliance with the requirements of Section 405 of the CWA, 33 U.S.C. § 1345, and 40 C.F.R. Part 503, *Standards for Use and Disposal of Sewage Sludge*. This Request for Information seeks information that EPA believes was responsive to the August 2019 Request for Information, as well as additional information that EPA requires. **Please read the instructions and definitions included in ENCLOSURE A carefully before preparing your responses to this Request for Information.**

Please understand that Denali has an affirmative obligation to perform a thorough and complete search for all information in the company's possession, custody and/or control for information that is responsive to the attached Request for Information.

We appreciate your cooperation and prompt attention to this matter. Please direct your response to Ms. Angela Acord by e-mail to [acord.angela@epa.gov](mailto:acord.angela@epa.gov), and any legal questions to Mr. Howard Bunch of the Office of Regional Counsel at [bunch.howard@epa.gov](mailto:bunch.howard@epa.gov), or by calling him at (913) 551-7879.

Sincerely,

DAVID  
COZAD

Digitally signed by DAVID  
COZAD  
Date: 2020.08.21  
08:59:33 -05'00'

David Cozad  
Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Richard S. Davis, counsel for Denali Water Solutions, LLC  
Beveridge and Diamond, PC  
[RDavis@bdlaw.com](mailto:RDavis@bdlaw.com)

## ENCLOSURE A

### REQUEST FOR INFORMATION AND INSTRUCTIONS

#### RESPONSE DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST

The U.S. Environmental Protection Agency (EPA) requests submission of information, as described below, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

#### **I. Instructions**

1. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA, including, but not limited to seeking, maintaining or complying with an applicable NPDES permit.

#### Contact Information.

2. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address and email and/or phone number.
3. Your responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Request for Information.

#### Responses Format.

4. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
5. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by email or by mail (e.g., on a compact disc or flash drive) in PDF, Word, Excel or other widely available electronic format. *NOTE: as discussed below, any information claimed as confidential business information (CBI) should be submitted by mail and properly labeled.*

#### Complete Responses and New or Corrected Information.

6. Provide all responsive information in the possession, custody and/or control of Denali Water Solutions, LLC, irrespective of whether such information was generated by Denali Water Solutions, LLC, Denali Solid Solutions, or the agents, contractors, or representatives of such related entities. This includes all responsive information that may not be in the possession of Denali Water Solutions, LLC, but that Denali has the ability to obtain upon request or demand. This includes all information that may be in the possession of a third party which Denali has the right or ability to obtain upon request or demand, including from Publicly Owned Treatment Works (POTWs) that generate the sewage sludge that Denali land applies, and/or the owners/operators of the land application sites used by Denali. The obligation to fully respond also includes the obligation to provide written descriptions of responsive information that are based on the personal knowledge of employees of Denali, including, but not limited to, yourself and/or other employees that have worked at, or been involved with the subject matter of the items of requested information set forth herein. Accordingly, you and Denali Water Solutions, LLC, are required to provide all information that is responsive to the attached Request for Information.

7. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.
8. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within fourteen (14) calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within fourteen (14) calendar days of when you find the information is inaccurate, false or misrepresents the truth.

Accurate and Truthful Information Required.

9. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to administrative, civil, or criminal enforcement that could include penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

Certification.

10. The Statement of Certification found in ENCLOSURE B must be submitted along with your responses every time a submission is made pursuant to this Request for Information. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a) and (b). For your convenience, the text of these provisions is included on ENCLOSURE B.

Confidential Business Information.

11. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a confidential business information (CBI) claim under the provisions of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2. Information that you claim as CBI will be held as such pending a determination of applicability by the EPA.
  - a. *Procedures to claim confidential treatment for information requested or demanded by the EPA.*
    - i. You may assert a CBI claim covering part or all of the information requested or demanded by the EPA in the manner described by paragraph (b), below. Information covered by a CBI claim will be disclosed by the EPA only to the extent, and by means of the procedures, allowed by 40 C.F.R. Part 2, Subpart B.
    - ii. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the business, pursuant to 40 C.F.R. § 2.203(a).
    - iii. The regulations applicable to a claim of CBI are at 40 C.F.R. Part 2, Subpart B, 41 FR 36902, Sept. 1, 1976, as amended at 43 FR 40000, Sept. 8, 1978; 50 FR 51661, Dec. 18, 1985.
  - b. *Method and time of asserting business confidentiality claim.* Pursuant to 40 C.F.R. § 2.203(b), a business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend or other suitable form of notice employing language such as *trade*

*secret, proprietary, confidential business information, CBI or proprietary business information.* Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

- c. If you assert a CBI claim on the submitted information and the Agency is determining whether that information is entitled to confidential treatment, you will be given notice to submit comments to support your CBI claim. Information that is publicly available or required to be disclosed to the public by law is not entitled to confidential treatment.
- d. Please refer to 40 C.F.R. § 2.302, *special rules governing certain information obtained under the Clean Water Act*, regarding limitations on the confidential treatment of effluent data and standards or limitations.

Submission of Response to Request for Information.

12. The preferred method of response to this Request for Information is by electronic mail. Any response that cannot be submitted by electronic mail must be provided in a manner that allows you to track delivery and submitted to:

**ATTN: Angela Acord**  
**U.S. Environmental Protection Agency**  
**Enforcement and Compliance Assurance Division**  
**11201 Renner Boulevard**  
**Lenexa, Kansas 66219**  
[Acord.angela@epa.gov](mailto:Acord.angela@epa.gov)

## **II. Definitions**

All terms used in this Request for Information that are not defined below shall be defined as they are defined at Section 502 of the CWA, 33 U.S.C. § 1362, and 40 C.F.R. §§ 122.2, 503.9, 503.11, 503.21, 503.31 and 503.41. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Request for Information:

1. “Record” is defined as any recording of information, including, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.
2. “Document” is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
3. “Biosolids” is defined as sewage sludge generated during the treatment of domestic sewage in a treatment works.
4. “Denali Water Solutions, LLC,” or “Denali” is a limited liability association, and includes related and associated business entities such as Denali Solid Solutions, Inc.

5. "Land application" is defined as the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.
6. "Sewage sludge" is defined at 40 C.F.R. § 503.9 and includes domestic sewage and a material derived from sewage sludge.
7. "Publicly Owned Treatment Works" or POTW is defined by 40 C.F.R. § 403.3(q) as "a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works."
8. "Treatment Works" is defined by 40 C.F.R. § 503.9 as "either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature."

### **III. Requested Information**

**Within thirty (30) days of receipt of this Request for Information,** provide the following information:

1. Please identify the person to contact regarding your submission, including title, address and email and/or phone number.
2. Your responses to this Request for Information are to be provided by a knowledgeable and qualified professional. For each response required below, provide the name, title and credentials of the person(s), including consultants, providing information in response to this Request for Information.
3. For the calendar year 2020, identify all POTWs in the United States from which Denali Water Solutions, LLC, accepts sewage sludge for land application.
4. For the calendar year 2020, identify all land application sites by name, owner and/or operator and location (address and lat/long) that have been or will be used for land application of sewage sludge obtained from the POTWs identified in Item 3 above.
5. As reported in public media, in approximately February 2020, the majority interest in Denali Water Solutions, LLC (and related businesses) was purchased by "TPG Growth" (described as an investment hedge fund).
  - a. Identify and provide a copy of all records of purchase agreement(s) whereby TPG Growth became the owner of the majority interest of Denali Water Solutions, LLC.;
  - b. Identify and provide copies of all records of agreements and/or arrangements which provide indemnification to TPG Growth for its purchase of the majority interest in Denali Water Solutions, LLC, including for potential violations of the CWA that

occurred prior to the date of TPG Growth's purchase of the majority interest of Denali Water Solutions, LLC; and

- c. Identify and provide copies of all records that discuss or describe potential violations of the CWA by Denali Water Solutions, LLC, including Section 405 of the CWA and the requirements of 40 C.F.R. Part 503 and any state requirements for the period between 2014 and 2020 (through receipt date of this Request). This request includes all records that describe such potential violations and/or liability that were prepared as part of the acquisition of the majority interest of Denali by TPG Growth.

*Please provide the following information for Biosolids land applied for the specified time periods at sites in California and Arizona:*

6. Provide a detailed description of the record keeping and accounting system(s) utilized by Denali for each step(s) of the process by which Denali obtains sewage sludge from treatment works, and transports and ultimately land applies the sewage sludge. Provide the following information describing how each step of the process is recorded:
  - a. State whether a centralized record keeping system is used by Denali, and if so, provide the location of where such records are stored;
  - b. Describe (by job title(s)) and identify the person(s) within Denali's organizational structure responsible for the creation and maintenance of the records that document Denali's management of sewage sludge (including the collection of the sewage sludge materials, transportation, mixing, storage, and application);
  - c. Describe how information for each load of sewage sludge is tracked and recorded as the load moves from a treatment works to the final location for land application;
  - d. Describe how the date and quantities and type (as defined by 40 C.F.R. § 503.9 and 503.32(a) and (b)) of each load of sewage sludge obtained by Denali from a treatment works is recorded;
  - e. Describe how a load of sewage sludge is tracked until final disposal or land application (for example by tracking or shipment identification number);
  - f. Describe how, if a shipment of sewage sludge is mixed with other loads of sewage sludge or septage prior to land application the locations, the quantities of sludges and methods used during such mixing are recorded for each such mixing;
  - g. Describe how, if a load of sewage sludge requires additional treatment or stabilization prior to land application, surcharges are applied to the load for such treatment/stabilization, including the amount of any such surcharge;
  - h. Describe how the concentrations of chemical constituents (such as Nitrogen) after mixing, treatment or stabilization of a load of sewage sludge occurs, are determined and recorded before land application;
  - i. Describe how the date and location of each application of sewage sludge (including mixtures of sewage sludges and septage) are determined and documented before land application;
  - j. Describe how the allowable amount of sewage sludge to comply the agronomic rate requirement of 40 C.F.R. § 503.14(d) is calculated and documented, and then provided to the person(s) doing the land application;
  - k. Describe how the date of harvesting of crops for each land application site is determined and recorded (for example, to determine pathogen compliance with 40 C.F.R. § 503.32(b)(5));
  - l. Describe and identify the specific record keeping method and/or software used to document and record of each step in the above processes (for example "Excel"); and

- m. Provide an example copy of each of the form(s) used to record information by Denali for each step in the above processes.
7. EPA's August 2019 Request for Information directed Denali to provide copies of all responsive "records", including copies of documents in their "native" file electronic format (such as "Word," "Excel" or "\*.pdf" files.) Item 3.a of the August 2019 Request for Information specifically requested Denali provide copies of all records pertaining to the land application of biosolids, including records of the amounts, dates, locations, etc. EPA has obtained information provided by Denali to the state of Arizona in an Excel spreadsheet format that contains information for the Desert Ridge Farms land application site that was not provided to EPA in Denali's response to the August 2019 Request for Information, as required. For example, the "2017 Field Report YM 6-2B" was provided to the state of Arizona, but not to EPA. These reports contain the cropping information, harvest dates, dates on application by month, cumulative loading rates and metals data that was previously requested by EPA.
- a. Provide a complete response of the information previously requested and required by Item 3.a of EPA's August 2019 Request for Information. Specifically, for all sewage sludge related materials collected and/or land applied by Denali in the states of California and Arizona during calendar years 2014 thru 2019, provide all responsive records in native file format (Such as "Excel," etc), for each field and each application site.
  - b. Additionally, for all sewage sludge related materials collected and/or land applied by Denali in the states of California and Arizona by Denali during calendar year 2020 (to date) provide copies of each record that documents the following information in the record's "native" file format (such as "Excel," etc.):
    - i. The location of each land application area (field) specifying latitude and longitude;
    - ii. The size of each land application area (field) in acres;
    - iii. The total amount of biosolids applied to each land application area (field) by year;
    - iv. The amount of biosolids applied to each land application area (field) from each generating treatment works by year, and identifying the individual treatment works by name; and
    - v. The dates the application of biosolids were made to each field.
8. Item 3.b of the August 2019 Request for Information specifically requested that Denali provide copies of all records and information utilized in the agronomic rate calculations for the calendar years 2014 to 2019, for each application site in California and Arizona. EPA has reviewed the annual land application reports submitted by Denali to the state of Arizona and provided to EPA in Denali's response to the August 2019 Request for information. For each year, a site-specific calculated value for plant available nitrogen (PAN) is set forth in the annual land application reports filed with the state of Arizona for each land application site. However, Denali's response to EPA failed to provide the calculations and basis for determining the PAN for each application site, as requested and required by the August 2019 Request for Information.
- a. Provide a complete response to Item 3.b of EPA's August 2019 Request. Specifically, provide copies of all records that document the information utilized in the agronomic rate calculations for each application site (by field), including the calculations of



- PAN, and provide copies of all responsive records in their native file format (Such as “Excel” etc), for each field and each application site; and
- b. Additionally, for each application site (field) in the states of California and Arizona used for land application by Denali during calendar year 2020 (to date), provide copies of all records that document the information utilized in the agronomic rate calculations, including the calculations of PAN, and provide copies of all responsive records in native file format (Such as “Excel,” etc).
9. For the years 2014 to 2020 (through receipt date of this Request ), provide a written presentation of the formula(s) used by Denali to calculate the agronomic rates of sewage sludge (allowable amount pursuant to 40 C.F.R. § 503.14(d)) management practices for each application site in California and Arizona during this period. Provide a definition and explanation of all variables and constants identified in the formula(s) used by Denali to calculate the agronomic rate for each application site. In this explanation, include a detailed description of how the following values were determined by Denali when calculating proper agronomic rates:
- a. Plant available nitrogen (PAN):
- i. Describe the basis and method for determining the “mineralization” rate of nitrogen, and the basis for the determination of the mineralization rate for each separate land application site;
  - ii. Describe the basis and method for determining and quantifying the amounts of residual nitrogen that remained in soils from prior years application of sewage sludge;
  - iii. Describe the basis and method for determining the “volatilization” rate of nitrogen, and the basis for the determination of the volatilization rate for each separate land application site;
  - iv. Describe whether the stabilization of untreated sewage sludge (“non-Class B”) with chemical additives (such as lime) was considered when calculating PAN, and if so, provide a detailed explanation how this was addressed in the calculation of PAN for land application sites where such sludge was applied;
  - v. State whether sewage sludge from different sources, or different types of sewage sludge (“Class B,” stabilized sewage sludge, untreated sewage sludge, or septage) were blended before application at specific land application sites, and if so, provide a detailed explanation how such blending of different types/sources of sewage sludges was addressed in the calculation of PAN. and
  - vi. Provide citations to all research materials that were relied on by Denali to support the specific PAN values utilized by Denali for its agronomic rate calculations.
- b. Crop specific Nitrogen uptake values:
- i. Provide an explanation of the value(s) selected by Denali for the estimated nitrogen uptake of the specific crops in cultivation, for each application site (by field) where sewage sludge was applied;
  - ii. Provide an explanation of how Nitrogen uptake values were determined for land application sites (by field) where multiple crops are reported as being cultivated and harvested at that field during a given year;

- iii. Provide an explanation of what crops are included in the description of “forage” mix and why different Nitrogen uptake values are used at different land application sites for crops designated as “forage mix”;
- iv. Describe how previous crop production records or crop yields for a specific land application site were used to determine the expected Nitrogen uptake for the crop in production for a given year at that same site, and if so, provide a detailed explanation of how such historic crop yield information was used to determine the nitrogen uptake value; and
- v. Provide citations and copies of all research materials that were relied on by Denali to support the specific Nitrogen uptake values utilized by Denali for its agronomic rate calculations.

10. Information obtained from the state of Arizona documents that between 2014 and 2017 Denali land applied sewage sludge at the Desert Ridge Farms application site to fallow fields and/or to fields with different crops in cultivation than the crop used to calculate the agronomic rate for application:

- a. For the years 2014 to 2020 (through receipt date of this Request), identify by year and for each individual application site (by farm and field) in the states of Arizona and California, all application sites where Denali land applied sewage sludge to fallow fields (with no crop in cultivation), or to fields with different crops in cultivation than were used to calculate the agronomic rate for application.
- b. For the years 2014 to 2020 (through receipt date of this Request), provide copies of all records in Denali’s possession, custody or control (including records that Denali can obtain from owner(s)/operator(s) of each land application site), that document what crops were actually grown for each field on which Denali applied sewage sludge. For example, for the Desert Ridge Farms application site, Denali previously provided the state Arizona copies of the USDA/FSA report (Form 578) titled “Report of Commodities Farm and Tract Detail Listing Form No. 0560-1750” that documented the actual crops in cultivation. Provide copies of all such responsive information that Denali has in its possession, custody or control; including information that Denali has the ability to obtain upon request or demand, of past or present owners/operators of the land application sites used by Denali.

11. For the period of 2014 to 2020 (through receipt date of this Request), for each land application site in Arizona or California used by Denali, provide a detailed description of the procedures used by Denali to obtain information from, and provide information to, the owners/operators of land application sites regarding what crops were actually going to be planted, cultivated, and harvested:

- a. Identify who owns and/or operates each land application site used by Denali;
- b. Identify each land application site either owned or leased by Denali;
- c. Provide a detailed description of the procedures Denali used to inform the owners/operators of the land application sites of the quantities, dates and duration of land application of sewage sludges;
- d. Provide copies of all records of agreements with the owners/operators of the land application sites, including copies of all records of procedures used by Denali, to coordinate with owners/operators of the land application sites;
- e. Provide a full description of the procedures by which Denali determined and documented what crops were actually in cultivation in the fields on which it land applied sewage sludge; and

- f. Provide a full description of what actions Denali takes when it determines crops planned for cultivation at a land application site are not cultivated as planned (either the site remains fallow, or a different crop is cultivated). For example, describe whether or not Denali ceased or changed the amount of the land application of sewage sludge at such a site.
12. In approximately February 2019, the state of Arizona issued a notice of violation to Denali regarding violations of the state's requirements for the land application of sewage sludge, including the requirement not to exceed the agronomic rate for application. In August 2019, EPA issued Denali a Request for Information, after which EPA representatives also informed Denali of EPA's concern that Denali was applying sewage sludges above the appropriate agronomic rate, as required by 40 C.F.R. 503.14(d) management practices. Provide copies of all records that either describe or document changes to the methods and variables used by Denali to calculate the appropriate agronomic rate of sewage sludge application, made by Denali in response to either Arizona's notice of violation, or EPA's notice of this issue.
13. For the period of 2014 to 2020 (through receipt date of this Request), for each land application site in Arizona or California used by Denali for the land application of sewage sludge, provide copies of all records that document any professional assistance or consultations relied on by Denali to determine the agronomic rate for the land application of sewage sludge. For example, provide documentation of all consultations with agronomists, soil scientists, other consultants and local agricultural extension services.
14. For the period of 2014 to 2020 (through receipt date of this Request), for each land application site in Arizona or California used by Denali for the land application of sewage sludge, provide a copy of all soil sample results used to determine the residual levels of nitrogen to determine the agronomic rate for the application of sewage sludge.
15. For the period of 2014 to 2020 (through receipt date of this Request for each land application site in Arizona or California used by Denali for the land application of sewage sludge, provide copies of maps which will allow for the cross referencing and identification of each application site (i.e. by field), as documented and referenced by Denali in its responses to EPA's August 2019 Request for Information and the other information required by this Request for Information, including the requested documentation of crops in production (as documented by USDA/FSA Form 578 or other information) for each application site, and the quantity and dates and locations of applied sewage sludge.
16. On February 19, 2020, Denali provided a partial response to EPA's August 2019 Request for Information. EPA was not able to download Denali's February 19, 2020 response. By email dated March 13, 2020, EPA requested that Denali provide access to the February 19, 2020 response. To date, Denali has not provided EPA access to February 19, 2020 response. Provide a complete copy of Denali's February 19, 2020 response.
17. Beginning in 2019, Denali ceased land application at the Desert Ridge Farms in Yuma County, Arizona.
  - a. Provide copies of all records that document or discuss Denali's efforts to find additional land application sites for the 2019 and 2020 calendar years to replace the

capacity for land application previously utilized at the Desert Ridge Farms location (before 2019);

- b. Provide copies of all records that document any analysis of additional costs anticipated or incurred by Denali during 2019 and 2020 as a result of having to land apply sewage sludges previously land applied Desert Ridge Farms at other locations;
  - c. Provide copies of all records for the mileage driven by Denali to transport sewage sludge from the treatment works to Desert Ridge Farms for each treatment works that had sewage sludge land applied at Desert Ridge Farms in 2018,
  - d. For each treatment works that had sewage sludge land applied at Desert Ridge Farms in 2018, provide copies of all records for the mileage driven by Denali to transport sewage sludge from the treatment works to the land application sites utilized in 2019; and
  - e. Once Denali ceased using Desert Ridge Farms in 2019, state whether Denali passed on any additional costs incurred as a result of the land application of sewage sludge at different locations to its customers, and if so, provide copies of all records that document the billing of such additional costs to its customers.
18. For the period between 2014 and 2020 (through receipt date of this Request), provide copies of all records that document transportation costs per mile for the transport of sewage sludge from treatment works to land application sites.

## ENCLOSURE B

### STATEMENT OF CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

#### **40 CFR § 122.22 Signatories to permit applications and reports.**

(a) *Applications.* All permit applications shall be signed as follows:

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,

(3) The written authorization is submitted to the Director.